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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ESTATE OF TASHI S. FARMER a/k/a  
TASHII FARMER a/k/a TASHII BROWN, by  
and through its Special Administrator, Lorin  
Michelle Taylor; TAMARA BAYLEE  
KUUMEALI' MAKAMAE FARMER  
DUARTE, a minor, individually and as  
Successor-in-Interest, by and through her legal  
guardian, Stevandra Lk Kuanoni; ELIAS BAY  
KAIMIPONO DUARTE, a minor, individually  
and as Successor-in-Interest, by and through his  
legal guardian, Stevandra Lk Kuanoni,  
  
Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, a political subdivision of the  
State of Nevada; OFFICER KENNETH  
LOPERA, individually and in his Official  
Capacity; SERGEANT TRAVIS CRUMRINE,  
individually and in his Official Capacity;  
OFFICER MICHAEL TRAN, individually and  
in his Official Capacity; OFFICER MICHAEL  
FLORES, individually and in his Official  
Capacity; and Does 1 through 50, inclusive,

Defendants.

Case No.: 2:17-cv-01946-JCM-PAL

**STIPULATION AND ORDER TO EXTEND  
DISCOVERY (SECOND REQUEST)**

Pursuant to LR 6-1 and LR 26-4, the parties by and through their respective counsel of record, hereby stipulate and request that this court extend discovery in the above-captioned case ninety (90) days, up to and including September 12, 2018. In addition, the parties request that the expert deadline, dispositive motion and pre-trial order deadlines be extended for an additional ninety (90) days as outlined herein. In support of this stipulation and request, the parties state as follows:

**I. DISCOVERY COMPLETED TO DATE**

1. On July 18, 2017, Plaintiffs filed their Complaint. ECF No. 1.
2. On August 4, 2017, Defendant LVMPD filed their Answer to Plaintiffs' Complaint. ECF No. 7.
3. On August 25, 2017, the parties entered into a stipulation (and the court ordered) that the discovery regarding Defendant Lopera be limited due to his pending criminal charges. ECF No. 27.
4. On August 28, 2017, Defendant Lopera filed his Answer to Plaintiffs' Complaint. ECF No. 28.
5. On September 15, 2017, the parties participated in a FRCP 26(f) meeting.
6. On September 27, 2017, Defendant LVMPD provided their initial disclosures pursuant to Rule 26.
7. On September 29, 2017, Plaintiffs provided their initial disclosure statement pursuant to Rule 26.
8. On September 18, 2017, the Court entered the initial discovery order. ECF No. 30.
9. On October 10, 2017, Defendant LVMPD served each Plaintiff with written discovery.
10. On November 7, 2017, Plaintiffs served requests for production of documents on Defendant LVMPD.
11. On December 7, 2017, Plaintiffs provided their responses to Defendant LVMPD's written discovery.

12. On December 8, 2017, Defendant LVMPD provided their responses to Plaintiffs' Requests for Production of Documents.

13. On December 20, 2017, Plaintiffs took the depositions of LVMPD Officers Mike Tran and Ashley Lif. (Officer Tran has been since added as a Defendant).

14. On December 21, 2017, Plaintiffs took the depositions of percipient witnesses Marcelino Vibas and Peter Infantino.

15. On December 21, 2017, Plaintiffs took the deposition of Sergeant Michael Bland – LVMPD's Rule 30(b)(6) witness with respect to use of force training and policies.

16. On December 21, 2017, Plaintiffs took the deposition of LVMPD Deputy Chief John McGrath – LVMPD's Rule 30(b)(6) witness regarding policy changes.

17. On December 27, 2017, Plaintiffs took the deposition of LVMPD Officer Travis Crumrine. (Officer Crumrine has been since added as a Defendant).

18. On January 10, 2018, this Court granted the parties stipulation to extend discovery. ECF No. 38.

19. On January 12, 2018, Defendant Lopera served Plaintiffs with written discovery.

20. On January 18, 2018, Defendant LVMPD provided its First Supplemental Disclosure of Witnesses and Exhibits.

21. On February 8, 2018, Plaintiffs took the deposition of LVMPD Officer Michael Flores (Officer Flores has been since added as a Defendant).

22. On March 1, 2018, Defendant LVMPD provided its Second Supplemental Disclosure of Witnesses and Exhibits.

23. On March 5, 2018, Defendant Lopera served Plaintiffs with written discovery.

24. On March 14, 2018, Defendant Lopera provided his initial disclosure statement pursuant to Rule 26.

25. On March 14, 2018, Plaintiffs provided their responses to Defendant Lopera's written discovery.

26. On March 23, 2018, Defendant LVMPD provided its Third Supplemental Disclosure of Witnesses and Exhibits.

27. On April 3, 2018, this Court granted Plaintiffs leave to amend to file their First Amended Complaint. ECF No. 44.

28. On April 3, 2018, Plaintiffs filed their First Amended Complaint. ECF No. 45.

29. On April 4, 2018, Defendant LVMPD provided its Fourth Supplemental Disclosure of Witnesses and Exhibits.

30. On April 10, 2018, Defendant LVMPD took the deposition of Stevandra Kuanoni.

31. On April 11, 2018, Plaintiffs provided their First Supplemental Disclosure of Witnesses and Exhibits.

32. On April 16, 2018, Defendant LVMPD provided its Fifth Supplemental Disclosure of Witnesses and Exhibits.

33. On April 17, 2018, Plaintiffs provided their Initial Disclosure of Expert Witness Information pursuant to Rule 26.

34. On April 17, 2018, Defendant LVMPD provided its Initial Disclosure of Expert Witnesses pursuant to Rule 26.

35. On April 20, 2018, Plaintiffs provided their responses to Defendant Lopera's written discovery.

36. On April 24, 2018, Defendant Lopera filed his Answer to Plaintiffs' First Amended Complaint. ECF No. 48.

37. On April 24, 2018, Defendants LVMPD, Crumrine, Tran, and Flores filed their Answer to Plaintiffs' First Amended Complaint. ECF No. 49.

38. On April 25, 2018, Plaintiffs served Defendant LVMPD with written discovery.

39. On April 26, 2018, Plaintiffs took the deposition of percipient witness, Jonathan Pierce.

40. On May 2, 2018, Defendant Lopera provided his First Supplemental Disclosures.

41. On May 4, 2018, Plaintiffs provided their Second Supplemental Disclosure of Witnesses and Exhibits.

All parties have retained and are consulting with expert witnesses. Expert discovery is ongoing. The parties are activity working on scheduling further depositions.

## **II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

Plaintiffs and Defendant LVMPD have actively participated in discovery, including, but not limited to, taking depositions, propounding and responding to written discovery, disclosing initial expert witness information, and providing initial and supplemental disclosures of witnesses and exhibits. In accordance with the stay regarding discovery against Defendant Lopera, his counsel has participated in all conferences, depositions, propounded discovery, and provided initial and supplemental disclosures.

After being granted leave to amend their Complaint, Plaintiffs filed their First Amended Complaint, which included new claims and new parties. All Defendants answered the First Amended Complaint on April 24, 2018. The parties agree that the scope of discovery will need to cover the new parties and claims and that additional time will be necessary in order to complete discovery. The parties anticipate that the scope of their expert reports will need to cover the new parties and claims, and it is expected that the parties will provide supplemental and rebuttal expert reports. Therefore, moving the expert deadlines is necessary to allow sufficient time for expert discovery.

## **III. DISCOVERY REMAINING**

1. Plaintiffs intend to take the deposition of Trinita Farmer on May 8, 2018 in Las Vegas, Nevada.

2. Plaintiffs intend to take the depositions of T.B., E.B., and Sandy Morton on May 31, 2018 in Hawaii.

3. Defendants intend to take the deposition of Jason Kuanoni on June 1, 2018 in Hawaii.

4. Plaintiffs intend to take the further depositions of employees of Defendant LVMPD as well as percipient witnesses.

The parties intend to disclose further expert witnesses and rebuttal experts. The parties need to take the depositions of each parties' experts. The Plaintiffs intend to take the deposition of Defendant Lopera if the criminal case gets resolved. Plaintiffs intend to request a trial date against all Defendants in this matter at the scheduled status conference on May 8, 2018.

**IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline and comply fully with LR 26-4. The parties acknowledge that the rebuttal expert deadline is less than twenty-one (21) days away. However, based upon the fact that Plaintiffs First Amended Complaint includes new parties and claims, and further discovery must be completed, the parties believe it is in the best interest of the management of the case to extend the expert deadlines.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

<b>ACTIVITY</b>	<b>DATE</b>	<b>PROPOSED DEADLINE</b>
<i>Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2)</i>	<i>Monday, April 16, 2018 (completed)</i>	<i>Friday, July 13, 2018</i>
<i>Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2)</i>	<i>Monday, May 14, 2018</i>	<i>Monday, August 13, 2018</i>
<i>Discovery Cut-Off Date</i>	<i>Thursday, June 14, 2018</i>	<i>Wednesday, September 12, 2018</i>
<i>Dispositive Motions</i>	<i>Friday, July 13, 2018</i>	<i>Thursday, October 11, 2018</i>
<i>Joint Pretrial Order</i>	<i>Tuesday, August 14, 2018</i>	<i>Monday, November 12, 2018</i>

This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties have worked together at moving discovery forward and have conducted significant discovery up to this point. The parties have worked diligently at complying with the case's original deadlines, but recent depositions and the filing of the First Amended Complaint have led the parties to agree that additional discovery must be completed.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the discovery extension.

1 WHEREFORE, the parties respectfully request that this court extend the discovery period  
2 by ninety (90) days from the current deadline of June 14, 2018 up and until including September  
3 12, 2018, and the other discovery dates as outlined in accordance with the table above.

4 APPROVED AS TO FORM AND CONTENT.

5 Dated: May 7, 2018 By: /s/ Darren D. Darwish  
6 **Darren D. Darwish, Esq.**  
7 CA Bar No. 305797 (admitted *pro hac vice*)  
8 **ABIR COHEN TREYZON SALO, LLP**  
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11 *Attorneys for Plaintiffs*

12 Dated: May 7, 2018 By: /s/ Craig R. Anderson  
13 **Craig R. Anderson, Esq.**  
14 NV Bar No. 6882  
15 **MARQUIS AURBACH COFFING**  
16 10001 Park Run Drive  
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18 *Attorneys for Defendant LVMPD*

19 Dated: May 7, 2018 By: /s/ Daniel R. McNutt  
20 **Daniel R. McNutt, Esq.**  
21 NV Bar No. 7815  
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25 *Attorney for Defendant Lopera*

26 **ORDER**

27 IT IS SO ORDERED this 8th day of May, 2018.

28   
UNITED STATES MAGISTRATE JUDGE